

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TAMI R. PALADINO,

Plaintiff,

v.

ROCHESTER INSTITUTE OF TECHNOLOGY,

Defendant.

PROPOSED DISCOVERY PLAN

Index No. 22-cv-6028-FPG-MWP

Pursuant to the Order of the Honorable Frank P. Geraci, Jr. referring the above-captioned matter to United States Magistrate Judge Marian W. Payson for pretrial procedures and the entry of a Scheduling Order as provided in Federal Rules of Civil Procedure 16(b) and Local Rule 16.1(a), the parties submit the following proposed discovery plan/case management order in advance of the Rule 16(b) conference with the Court scheduled for December 13, 2022 at 10:20 a.m.

1. The parties do not unanimously consent to Magistrate Judge jurisdiction at this time.
2. Compliance with the mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be completed by January 6, 2023. The parties have no objections regarding the initial disclosure requirements.
3. All motions to join other parties and to amend the pleadings shall be filed no later than January 6, 2023.
4. All fact discovery shall be completed no later than May 26, 2023.
5. Plaintiffs shall identify any expert witnesses and provide any reports pursuant to Federal Rules of Civil Procedure 26(a)(2) no later than June 30, 2023. Defendant shall identify any expert witnesses and provide any reports pursuant to Federal Rules of Civil Procedure 26(a)(2)

no later than August 4, 2023. All expert depositions and other expert discovery shall be completed no later than September 15, 2023.

6. Motions to compel discovery must be filed by May 19, 2023.

7. If the parties determine that a protective order is needed under Rule 26(c), they shall submit a proposed protective order to this Court at that time.

8. At this time, the parties do not request any changes to the limitations on discovery discussed in Federal Rule of Civil Procedure Rules 30, 33 or 34.

9. The parties do not reasonably foresee any issues concerning the discovery of electronically stored information, including the form or forms in which it should be produced.

10. The parties have not made any agreements regarding the assertion of claims of attorney-client privilege or work-product protection after information is produced at this time.

11. Dispositive motions, if any, shall be filed by all parties no later than November 10, 2023.

12. The parties shall select a mediator and shall hold the first mediation session by February 24, 2023.

13. Plaintiff has demanded a jury trial. The parties currently anticipate that the estimated length of the trial shall be 1 week.

DATED: December 7, 2022

UNDERBERG & KESSLER LLP

/s/ Jennifer Shoemaker, Esq.
Jennifer Shoemaker, Esq.
Attorneys for Plaintiff
300 Bausch & Lomb Place
Rochester, New York 14604
Telephone: (585) 258-2825

BOND, SCHOENECK & KING, PLLC

/s/ Katherine S. McClung
Katherine S. McClung, Esq.
Stephanie Fedorka, Esq.
Attorneys for Defendant
350 Linden Oaks Third Floor
Rochester, New York 14625
Telephone: (585) 362-4703